

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Center for Biological Diversity,)	No. CV-08-535-TUC-FRZ-DTF
Plaintiff,)	
)	ORDER
vs.)	
)	
U.S. Fish and Wildlife Service,)	
Defendant.)	

Pending before the Court is the Arizona Mining Association's (AMA) Motion for Leave to Intervene as a defendant. The AMA represents in the motion that Defendant United States Fish and Wildlife Service takes no position on the motion (Dkt 29 at 2); Plaintiff filed a notice that it does not oppose the motion (Dkt. 35).

Federal Rule of Civil Procedure 24, which governs intervention, is interpreted "broadly in favor of intervention." *Forest Conservation Council v. U.S. Forest Serv.*, 66 F.3d 1489, 1493 (9th Cir. 1995). Because the administrative record was filed only recently, in May 2009 (Dkt. 25), substantive briefing has not yet begun, and the parties have no opposition, the motion is sufficiently timely as required by Rule 24. Further, the AMA complied with the procedural requirements of Rule 24(c) by serving the parties with the motion and attaching a proposed answer. (Dkt. 29.) Accepting as true the AMA's allegations, *see Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 819 (9th Cir. 2001), and there being no opposition, the Court finds that the AMA is entitled to intervene as of right as a defendant pursuant to a claim of "interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical

1 matter impair or impede the movant's ability to protect its interest," and which no "existing
2 parties adequately represent." Fed. R. Civ. P. 24(a)(2).

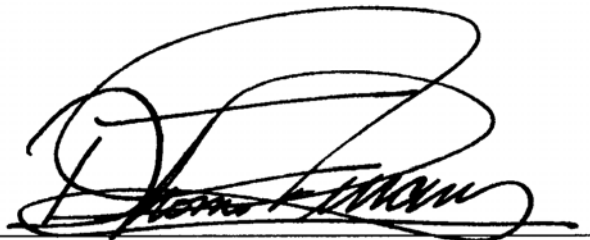
3 Accordingly,

4 **IT IS ORDERED** that the AMA's Motion for Leave to Intervene (Dkt. 29) is
5 **GRANTED.**

6 **IT IS FURTHER ORDERED** that Defendant AMA shall file its answer on or before
7 **August 19, 2009.**

8 DATED this 5th day of August, 2009.

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A handwritten signature in black ink, appearing to read "D. Thomas Ferraro", is written over a horizontal line.

D. Thomas Ferraro
United States Magistrate Judge